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UNITED STATES PATENT AND TRADEMARK OFFICE
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

In re Application of	:	DECISION ON RENEWED
Highgate et al	:	
Application No: 10/568,241	:	
PCT No.: PCT/GB2004/003570	:	PETITION UNDER
Int. Filing Date: 19 August 2004	:	
Priority Date: 22 August 2003	:	
Attorney's Docket No.: GJE-7555	:	
For: PHTOVOLTAIC CELL	:	37 CFR 1.47(a)

This is in response to the "COMMUNICATION IN RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.147(a)" filed on 27 November 2007.

BACKGROUND

In a decision from this Office on 27 April 2007, the petition filed on 08 March 2007 was dismissed. The decision indicated that petitioner failed to meet requirement (2) under 37 CFR 1.47(a).

On 27 November 2007, petitioner submitted a renewed petition accompanied, inter alia, with declarations from Rachel L. Smith and Robert E. Perry.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied requirement (2) of 37 CFR 1.47(a).

Regarding requirement (2), Ms. Smith declaration states that she researched the site of Manchester University and Google, and she did find a profile on Friends Re-unite related to the nonsigning inventor, Lindsey Harrison, which Ms. Smith sent an email to that profile but did not receive a respond. However, Ms. Smith has provided no proof to corroborate her actions. She has not submitted copies of documentary evidence such as the search conducted by the internet at the Manchester University site and the Google search or a copy of the phone directory search.

Consequently, at this time it can not be concluded that the nonsigning inventor, Lindsey Harrison, could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459